

4 JUNE 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc.</u>
None	2690		Map published in 1940 by the Soviet Navy (marked by Witness FUJITA, Masamichi)		23536
None	2691		Certificate from the Director of the Ad- ministration Division of the 2nd Demobiliza- tion Bureau accounting for the non-production of certain documents referred to in cross- examination 3 Jun3 1947 (page 23,527 of the record)		23543
1623	2681		A Chart of the Approximate State of the Soviet Army's Distribution of Troops in the Soviet East from 1931 onward (previously marked for identification, page 23,453 of the record, 3 June 1947)		23549
1318	2682		Military Power in Manchukuo and Korea (1931 - 1945) (previously marked for identification, page 23,454 of the record, 3 June 1947)		23555
1544	2692		Volume of the Official transcript of the Inter- national Military Tri- bunal at Nurnberg, Germany	23557	
1544	2692-A		Excerpt therefrom		23557

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EXHIBITS
(cont'd)

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619A-1	2693		Excerpt from the in- terrogation of Ambassador OSHIMA, Hiroshi (exhibit No. 776)		23558
1586	2694		Affidavit of NISHIMURA, Kumao		23562
1545	2695		Affidavit of SATO, Naotake		23575
1465	2696		Telegram No. 893 to Am- bassador SATO at Moscow		23587
1469	2697		Telegram No. 898 to Ambassador SATO at Moscow		23587
1466	2698		Telegram No. 1385 from Ambassador SATO to Foreign Minister TOGO		23588
1470	2699		Telegram No. 1417 from Ambassador SATO to Foreign Minister TOGO		23588
1468	2700		Telegram No. 931 to Ambassador SATO at Moscow		23588
1467	2701		Telegram No. 932 to Ambassador SATO at Moscow		23588
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4 JUNE 1947

I N D E X

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EXHIBITS

(cont'd)

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1472	2703		Telegram No. 1450 from Ambassador SATO to Foreign Minister TOGO		23590
1473	2704		Telegram No. 1484 from Ambassador SATO to Foreign Minister TOGO		23590
1474	2705		Telegram No. 1530 from Ambassador SATO to Foreign Minister TOGO		23590

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I N D E X
O F
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1 Wednesday, 4 June 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 - - -

17 (English to Japanese and Japanese
18 to English interpretation was made by the
19 Language Section, IMTFE.)
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FUJITA

CROSS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Between 9:30 and 10:45 this
4 morning, the accused TOJO will confer with his counsel,
5 with the Tribunal's permission.

6 General Vasiliev.

7 - - -

8 M A S A M I C H I F U J I T A, called as a
9 witness on behalf of the defense, resumed
10 the stand and testified through Japanese
11 interpreters as follows:

12 CROSS-EXAMINATION (Continued)

13 BY GENERAL VASILIEV:

14 Q Yesterday answering my last question,
15 Mr. Witness, you stated that the Soviet ship, Angarstroy,
16 was sunk on May 1, 1942, by a submarine thirty-six
17 miles off the Japanese coast, but the submarine was
18 allegedly not a Japanese one but either American or
19 British. I ask you to take a look at the map of this
20 area. Can you read this map well? Do you recognize
21 this area, the area of Soviet coast, Japan, China and
22 Manchuria?

23 Mark in red pencil, using the sign "X" with
24 the figure "1" the place of the sinking of the ship
25 Angarstroy.

FUJITA

CROSS

1 It is not clear to me what is going on in
2 the translations.

3 MARSHAL OF THE COURT: There will be a delay,
4 Mr. President, while the earphones are replaced.

5 THE PRESIDENT: The Japanese reporter will
6 repeat the question.

7 (Whereupon, the last question was
8 read by the Japanese court reporter.)

9 Q Please mark with the sign "X" with the figure
10 "2" in red pencil, the place of the sinking of the
11 Soviet ship Perekop.

12 A That cannot be marked on this map.

13 Q Why?

14 A I think the Perekop was sunk in the South
15 China Sea.

16 Q And can you find on this map the place of the
17 sinking of the Soviet Diesel ship Maikop?

18 A No.

19 Q Can you mark on this map the places of the
20 sinking of Soviet ships Kola or Ilmen?

21 A I do not know about them.

22 Q Don't you know that these ships were sunk
23 in February, 1942, in the area of the Korean Strait?

24 A Not in my recollection.

25 Q Do you see the Sangar Straits on the map?

FUJITA

CROSS

1 A Yes.

2 Q By closing the Sangar Straits, Japan deprived
3 the USSR of the shortest, most convenient way to the
4 Pacific, didn't she?

5 A Yes.

6 Q Mark with a red line the way to the Pacific
7 from Vladivostok through the Sangar Straits.

8 A I have so marked.

9 Q You suggested that Soviet ships should go
10 through the Korean Straits. I will ask you to mark
11 in blue pencil this route from Vladivostok.

12 A I have so marked.

13 Q You also suggested that Soviet ships should
14 pass through Laperouza Straits and Kurilean Straits.
15 Please mark the line along this route in blue pencil
16 from Vladivostok.

17 THE PRESIDENT: Better put a dotted blue line.
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1 Q This **is** also a much longer route through the
2 Sangar Straits to the Pacific Ocean, isn't it?

3 A I think the question was in error. May I
4 have it repeated?

5 (Whereupon, the question was read
6 back by the Japanese court reporter.)

7 A Yes, it will be a longer route than the
8 Straits of Tsugaru.

9 Q And if we take into consideration that the
10 Laperouza Straits were covered with ice for two, **three**
11 months, then it becomes quite clear what difficulties
12 were created by the Japanese Government for Soviet
13 navigation, isn't that so?

14 A I should think it would be inconvenient.

15 GENERAL VASILIEV: I offer in evidence the
16 map marked by the witness. This map was published in
17 1940 by the Soviet Navy.

18 THE PRESIDENT: Major Blakeney.

19 MR. BLAKENEY: I, of course, object to its
20 reception in evidence except for the information
21 contained in the markings of the witness. He hasn't
22 identified the map as such.

23 THE PRESIDENT: It is admitted to that extent,
24 and on the usual terms.

25 CLERK OF THE COURT: The map published in 1940

1 by the Soviet Navy and marked by the witness will
2 receive exhibit No. 2690.

3 (Whereupon, the document above
4 referred to was marked prosecution exhibit
5 No. 2690 and received in evidence.)

6 GENERAL VASILIEV: I take upon myself to
7 process this map for the Members of the Tribunal and
8 for the defense in a few days.

9 May I continue my cross-examination, your
10 Honor?

11 THE PRESIDENT: No; not until the Judges have
12 perused the map.

13 Yes, General Vasiliev.

14 Q Do you know that as far back as August 25, 1941
15 the Japanese ambassador to Moscow lodged a protest
16 against a shipment from the U.S.A. to Vladivostok of
17 goods purchased by the Soviet Union?

18 A I do not know.

19 Q Do you know that the Japanese Government
20 promised to the German Government, and reported to the
21 German Government, about the measures taken to hinder
22 Soviet navigation in the Pacific Ocean?

23 A I do not know.

24 GENERAL VASILIEV: In conclusion of my cross-
25 examination I invite the Tribunal's attention to exhibits

FUJITA

REDIRECT

1 No. 795-A, 778, 812-A, and exhibits from 813 to
2 824 inclusive.

3 MR. BLAKENEY: May I be allowed just a moment
4 to study the map?

5 REDIRECT EXAMINATION

6 BY MR. BLAKENEY:

7 Q Mr. Witness, calling your attention again to
8 the map, exhibit 2690, will you tell the Tribunal, if
9 you know, the meaning of the heavy black line written
10 on the map running north of Hokkaido and in a northeasterl
11 direction on the western side of the Kuril Islands?

12 A I do not know who drew this line, but as for
13 myself I cannot explain it.

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FUJITA

REDIRECT

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1 Q Has that line, as far as you know, any re-
2 lation to measures concerning navigation of those waters
3 taken by the Japanese Navy during the war?

4 A There is no relation.

5 Q Will you state to the Tribunal whether navi-
6 gation by Russian vessels was permitted through other
7 straits passing between various pairs of the Kurile
8 Islands?

9 A There was no limit -- no restrictions to
10 passage through the Chishima Straits -- the straits
11 within the Kurile Islands -- there was no restrictions
12 on passage through the straits within the Kurile Islands.

13 Q Then, when you said "Chishima Straits," do
14 you refer to one particular strait or to various
15 straits passing at various points through the archi-
16 pelago of the Kurile Islands?

17 THE MONITOR: Mr. Blakeney, the witness did
18 not mention "Chishima Straits." It was corrected.

19 A Will you repeat the question again in Japanese?

20 THE MONITOR: No. The witness said, "I don't
21 understand the question."

22 Q You said there was no restriction on navi-
23 gation through the Chishima Straits, I believe.

24 A I am referring to all the various straits in
25 the archipelago.

1 Q Will you take the red pencil and mark on this
2 map a heavy, short line through each of those straits
3 which exists?

4 (Whereupon, a pencil was handed to
5 the witness.)

6 A There was no limit to passage -- restrictions
7 on passage through any of the straits.

8 THE PRESIDENT: Are they all navigable?

9 THE WITNESS: There are some through which
10 navigation is easy and some through which navigation
11 is very difficult.

12 Q Please take the red pencil again and more
13 carefully mark the heavy line showing each of those
14 possible routes of navigation.

15 THE PRESIDENT: We are having too many red
16 lines. I think we had better start on blue ones.

17 Q Please use this blue grease pencil and make
18 a very heavy mark showing through each of those
19 passages.

20 GENERAL VASILIEV: May I say a few words?

21 THE PRESIDENT: I understand one of my
22 colleagues is protesting at the loss of time involved
23 in marking straits. Both sides asked for these mark-
24 ings. I, personally, would like to know what straits
25

FUJITA

REDIRECT

1 are navigable. I would like to have them indicated.
2 Some are difficult of navigation according to the
3 witness.

4 Q Then, if I may ask one more question, I will
5 ask the witness to take the green pencil and mark those
6 passages through the Kuriles which can be said to be
7 easy of navigation, that is, if they are different
8 from the ones marked in blue.

9 A I am not an expert on navigation. Therefore,
10 I cannot speak of such matters from a technical stand-
11 point.

12 Q Very well, then, I will leave that.

13 Now, one or two other questions. In paragraph
14 10 of your affidavit you speak of instructions which you
15 and your fellow officers received time and again in
16 connection with rescue operations. Since there has
17 been a question raised concerning the form and nature
18 of various instructions, will you please state to the
19 Tribunal what those instructions consisted of and in
20 what form they were?

21 A That was according to our usual education
22 and training.

23 THE MONITOR. That is how we were trained
24 and educated from -- at all times.

25 Q Then, the term "instructions" as used here

FUJITA

REDIRECT

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19 Tribunal what those instructions consisted of and in
20 what form they were?

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22 and training.

23 THE MONITOR. That is how we were trained
24 and educated from -- at all times.

25 Q Then, the term "instructions" as used here

FUGITA

REDIRECT

1 does not refer to specific written or oral instruc-
2 tions on these occasions, is that right?

3 A That is so.

4 MR. BLAKENEY: Now, lastly, before the wit-
5 ness leaves the stand, I wish to offer in evidence a
6 certificate from the Director of the Administration
7 Division of the 2nd Demobilization Bureau accounting
8 for the non-production of certain documents referred
9 to in cross-examination yesterday, the documents in
10 question having been inquired about by the Soviet
11 prosecutor on page 23,527 of the record.

12 THE PRESIDENT: General Vasiliev.

13 GENERAL VASILIEV: I would like the Tri-
14 bunal to admit this certificate as accounting for
15 the absence of documents, or it doesn't show whether
16 the documents were burned or destroyed.

17 MR. BLAKENEY: Counsel's translation of the
18 document must be wrong. The document is, as sometimes
19 happens with these certificates, rather inartistically
20 drawn and goes beyond what I consider its proper func-
21 tion of certifying the absence of the document and
22 does state that the documents were burned.

23 THE PRESIDENT: Well, what is happening?

24 MR. BLAKENEY: Well, I have made the tender,
25 and objection was made.

FUJITA

REDIRECT

1 THE PRESIDENT: I have seen no document, no
2 copies for the Judges.

3 MR. BLAKENEY: The document came into my
4 possession only this morning, and I haven't yet had
5 time to process it.

6 THE PRESIDENT: The objection is based on a
7 misapprehension, apparently. The certificate says
8 that the documents were burnt in the fire and they
9 are not extant at the present moment.

10 Admitted on the usual terms.

11 CLERK OF THE COURT: The certificate con-
12 cerning the loss through fire and non-existence of
13 papers will receive exhibit No. 2691.

14 (Whereupon, the document above re-
15 ferred to was marked defense exhibit No.
16 2691 and received in evidence.)

17 MR. BLAKENEY: That concludes the redirect
18 examination.

19 THE PRESIDENT: General Vasiliev.

20 GENERAL VASILIEV: Your Honor, in connection
21 with the three new lines marked on the map, I would
22 like to have the permission of the Tribunal to ask
23 three questions of the witness now in the stand.

24 THE PRESIDENT: You have our permission.
25

FUJITA

RE CROSS

1 RE CROSS-EXAMINATION

2 BY GENERAL VASILIEV:

3 Q Mr. Witness, before the ships pass through
4 any of the Kurile Straits, they must pass through the
5 Laperouza Straits, isn't that so?

6 A Yes, that is so.

7 Q This is the strait that was opened for
8 Soviet ships during the daytime except in winter
9 when it was covered with ice, isn't that so?

10 RUSSIAN MONITOR: Correction. During the day-
11 time only.

12 A We have not prevented the passage of Soviet
13 ships even at night whenever there were Soviet re-
14 quests. There was a period of two or three months
15 in the winter when passage was impossible.

16 Q You marked blue line through the Kurile
17 Straits and, not being a navigation expert, simply
18 because there is a space between the straits, and
19 you marked that line without taking into consider-
20 ation without the passage of ocean ships was possible
21 there or not.

22 RUSSIAN MONITOR: Whether the passage was
23 possible.

24 A Of course, there is some difference in the --
25 generally speaking, there is some difference in the

FUJITA

RE CROSS

1 difficulty and facility of passage through these
2 straits, but I believe they were all passable.

3 Q In accordance with my suggestion, you
4 marked a blue line on the northern part, and this
5 blue line corresponds to the line indicated by the
6 Naval General Staff of the USSR, is that so?
7

8 A I gave it as an instance, because it was
9 known as a regular route used by Soviet ships.

10 GENERAL VASILIEV: I have no more questions,
11 your Honor.

12 MR. BLAKENEY: I ask that the witness be
13 released on the usual terms.

14 THE PRESIDENT: He is released accordingly.

15 (Whereupon, the witness was ex-
16 cused.)

17 MR. BLAKENEY: And, in view of the restricted
18 character of the admission into evidence of exhibit
19 2690, the map, I should like to ask that the inter-
20 nal markings made by the witness be also considered
21 part of the exhibit as admitted.

22 THE PRESIDENT: As one of my colleagues ob-
23 served on the previous occasion when we admitted a
24 document of the kind, they are admitted as diagramatic.

25 MR. BLAKENEY: I now offer in evidence ex-
hibit 2691 for identification, the Japanese Army

1 General Staff chart of the strength of the Soviet
2 Far Eastern Army, identified by Colonel Blake.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: I object to the intro-
5 duction of this document on two grounds.

6 First, I think that the problem of defensive
7 measures of democratic countries, including the USSR,
8 against the aggressor is irrelevant to the issues
9 involved in this case and does not justify the
10 actions of the accused.

11 And, second, because this is not a trust-
12 worthy document because it is not known when it was
13 drawn up and by whom it was drawn up. There are no
14 signatures on the document. And, the fact that the
15 document was identified by Lieutenant Colonel Blake
16 is not relevant because it doesn't identify the
17 contents of the document but merely states that the
18 document is in the custody of his office and was seen
19 by him there.

20 I think that this document can't be ad-
21 mitted on one ground more. In this document, we see
22 a record of various events and, in connection with
23 this, the numerical strength of the Soviet Army is
24 given, including the problems connected with the in-
25 ternal organization of the Soviet Army, and I can't

1 understand what relevancy this has to the issues
2 involved in the case.

3 When all these problems are put together,
4 the record of events and the organization of the
5 Soviet Army and the numerical strength of the Soviet
6 Army, all this makes rather peculiar composition.
7 And, considered in this light, the document is
8 obviously biased. If the Tribunal is interested in
9 the data concerning the armed forces of the USSR in
10 the Far East, I shall be able to supply this data,
11 and I shall supply this data not from the Japanese
12 sources but from the more trustworthy Soviet sources.

13 On the above-mentioned grounds, I ask the
14 Tribunal to reject the document.
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1 THE PRESIDENT: Major Blakeney.

2 MR. BLAKENEY: Witness after witness has
3 testified that Japanese military preparations were
4 made with the threat of Soviet military might
5 always in mind. The prosecution witness, SEJIMA,
6 Ryuzo, testified specifically (transcript, page
7 8,119, et seq.) that Japanese operations plans
8 for the eventuality of war with the USSR were
9 drawn on the basis, partly, of estimates by the
10 Japanese Army of Soviet strength. How can it be
11 doubted that these very estimates, now offered in
12 evidence, are relevant to the issue of who
13 plotted aggression?

14 As to our not knowing who prepared the
15 document, it has already been testified to be
16 a document of the Japanese General Staff. That
17 will be found on page 23,452 of the record.

18 Without further arguing whether it should
19 be inadmissible on that ground, I merely call
20 attention to the Charter, article 13-c(1), which
21 provides that a document which appears to the
22 Tribunal to have been signed or issued by any
23 officer, department, agency, or member of the
24 armed forces of any government shall be admissible.
25 This is a document which, on the record as it now

1 stands, can only appear to the Tribunal to have been
2 issued by an agency of the armed forces of a government
3 and which must, therefore, be admissible.

4 THE PRESIDENT: By a majority the objection
5 is overruled, and the document admitted for what it is
6 worth, on the usual terms.

7 MR. BLAKENEY: From the exhibit I shall read
8 only the first and third columns, the year and the essen-
9 tial conditions of military strength, and in reading I
10 shall abbreviate the latter so far as possible.

11 THE PRESIDENT: It shall bear the same number
12 as it had for identification.

13 (Whereupon, the document above referred
14 to, having been previously marked defense exhibit
15 No. 2681 for identification, was received in evidence.)

16 MR. BLAKENEY (Reading):

17 "A Chart of the Approximate State of the Soviet
18 Army's Distribution of Troops in the Soviet East from
19 1931 onward.

20 "1931, Military Strength about September.

21 "No. of sharpshooter divisions 6

22 "No. of cavalry brigades 2

23 "1932, Military strength about September.

24 "No. of sharpshooter divisions8(1)

25 "No. of cavalry divisions 1

"Brigades11

1 "No. of aircraft200
2 "No. of tanks250
3 "1933, Military strength about November.
4 "No. of sharpshooter divisions8(1)
5 "No. of cavalry divisions1
6 "Brigades1
7 "No. of aircraft350
8 "No. of tanks300
9 "1934, Military strength about the end of
10 June.
11 "No. of sharpshooter divisions, approxi-
12 mately 11
13 "No. of cavalry divisions 2
14 "No. of aircraft500
15 "No. of tanks650
16 "No. of submarines 14
17 "Total manpower, approximately,230,000
18 "1935, Military strength at about the
19 end of the year.
20 "No. of sharpshooter divisions, approx-
21 imately 14
22 "No. of cavalry divisions, approxi-
23 mately 3
24 "No. of aircraft 950
25 "Total manpower at least240,000

1 "1936, Military strength at about the
2 end of the year.

3 "No. of sharpshooter divisions ... 16(4)

4 "No. of cavalry divisions 4

5 "No. of aircraft 1200

6 "No. of tanks 1200

7 "No. of submarines 17

8 "1937, Military strength about the end
9 of the year.

10 "No. of sharpshooter divisions, approx-
11 imately 20

12 "No. of aircraft, approximately.. 1560

13 "No. of tanks 1500

14 "No. of submarines 67

15 "Total manpower, approximately, 370,000

16 "1938, Military strength about the end of
17 the year.

18 "No. of sharpshooter divisions, approx-
19 imately 24

20 "No. of aircraft, approximately.. 2000

21 "No. of tanks, approximately 1900

22 "No. of submarines 75

23 "Total manpower, approximately, 450,000

24 "1939, Military strength about the end of
25 the year.

1 " No. of sharpshooter divisions, approx-
2 imately 30

3 "No. of aircraft, approximately 2500

4 "No. of tanks, approximately 2200

5 "No. of submarines 90

6 "Total manpower, approximately570,000

7 "1940, Military strength about the end
8 of the year.

9 "No. of sharpshooter divisions, approx-
10 imately 30

11 "No. of aircraft 2800

12 "No. of tanks 2700

13 "No. of submarines 103

14 "Total manpower, approximately, 700,000

15 "1941, Military strength at about the
16 end of the year.

17 "No. of sharpshooter divisions, approx-
18 imately 23

19 "No. of aircraft, approximately, 1000

20 "No. of tanks, approximately, 1000

21 "No. of submarines 105

22 "Total manpower, approximately, 800,000

23 "1942, Military strength at about the end
24 of the year.

25 "No. of sharpshooter divisions,

approximately 20

"No. of aircraft, approximately.. 1000

"No. of tanks, approximately, 800...1000

"No. of submarines 105

"Total manpower, approximately ..750,000

"1943, Troop strength at about the end of
the year.

"No. of sharpshooter divisions,
approximately 19

"No. of aircraft, approximately.. 1100

"No. of tanks, approximately, 800...1000

"No. of submarines 108

"Total manpower, approximately...700,000"

And I read the remarks at the bottom, page 5.

"REMARKS: The total manpower and the number
of aircraft under the main military strength column
includes that of the whole Red Army, the Red Navy
and the Department of the People's Commissariat for
Internal Affairs.

"Numbers of aircraft indicate those that are
equipment of operational units and do not include
training, transport or liaison planes."

THE PRESIDENT: We will recess for fifteen
minutes.

(Whereupon, at 1045, a recess was

1 taken until 1100, after which the
2 proceedings were resumed as follows:)
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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: I now offer in evidence
exhibit 2682 for identification, the Japanese
Army General Staff Table of Japanese military
strength in Manchoukuo and Korea for the years
1931 to 1945. This document was likewise identified
by Colonel Blake, page 23,454 of the record.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Exhibit No. 2682 has
been marked as received in evidence and retains the
same exhibit number.

(Whereupon, defense exhibit No.
2682 for identification received exhibit
No. 2682 and was received in evidence.)

MR. BLAKENEY: I shall read the entire
document.

"Military Power in Manchukuo and Korea
(1931 - 1945)

"August 17th, 1946, General Affairs Section

"Year	Manchoukuo	Korea
"1931	64,900	30,500
"1932	94,100	30,500
"1933	114,100	30,500

1	"1934	144,100	30,500
2	"1935	164,100	30,500
3	"1936	194,100	30,500
4	"1937	200,000	35,700
5	"1938	220,000	35,400
6	"1939	270,000	35,400
7	"1940	400,000	27,000
8	"1941	700,000	45,700
9	"1942	700,000	42,000
10	"1943	600,000	59,000
11	"1944	460,000	68,000

12 "1945" -- I hope this typographical error
 13 is corrected in all copies --

14 784,600 260,800

15 "Note: The above are based on investigation
 16 made at the end of each year and are round numbers."

17 Some evidence on the questions of neutrality
 18 and neutrality pacts has already been offered on
 19 Thursday last out of logical sequence owing to court-
 20 room exigencies.

21 Resuming that subject I shall now turn to
 22 evidence of the urgings by the German Government that
 23 Japan enter the war against the U.S.S.R. I tender
 24 first for identification a volume of the official
 25 transcript of the International Military Tribunal

1 at Nurnberg, defense document 1544 and offer in
2 evidence the excerpt therefrom, bearing the same
3 document number and consisting of a passage from
4 the testimony of Joachim von Ribbentrop on the
5 30th of March 1946.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document
8 1544, being the official transcript of the International
9 Military Tribunal sitting at Nurnberg, Germany, will
10 receive exhibit No. 2692 for identification only;
11 and the excerpt therefrom will receive exhibit No.
12 2692-A.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 2692 for identification; the excerpt
16 therefrom being marked defense exhibit
17 No. 2692-A and received in evidence.)

18 MR. BLAKENEY: I read the document.

19 "Testimony of Joachim von Ribbentrop

20 "After the outbreak of the German-Russian
21 war, I also tried to have Japan attack Russia, for
22 in such a way I saw a quick ending of the war.
23 Japan, however, did not do that. Rather I should
24 say, she did neither the one thing we wanted nor the
25 other, but she did do a third thing. She attacked

the United States at Pearl Harbor."

1 Ribbentrop's statement of the German
2 request and the Japanese refusal to violate the
3 Neutrality Pact is confirmed by the statement of
4 Ambassador OSHIMA in his interrogation, Exhibit
5 776, as contained in defense document 619-A-1,
6 an excerpt therefrom which I now offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document
9 619A-1 will receive exhibit No. 2693.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2693 and received in evidence.)

13 MR. BLAKENEY: I read the document.

14 "Excerpts from the Interrogation of OSHIMA
15 Hiroshi.

16 "Interrogation of 22 April 1946

17 "Q Do you know the fact that the Kwantung
18 Army, after the attack on Soviet Russia by Germany
19 in the summer of 1941 was in a state of military
20 preparedness for a move against Russia?

21 "A I know nothing about such a thing.
22 On the contrary, I consider that the German Government
23 always felt dissatisfaction over Japan's making no
24 move against the Soviet Union, and on several occasions
25

1 we received protests from the German Government
2 regarding our relations with the USSR. The German
3 Government protested against our assurances given
4 to Moscow to effect that Japan was faithful to the
5 Neutrality Pact; on several occasions thereafter
6 we received German protests referring to the fact
7 that the Japanese Navy did not effectively prevent
8 the shipment by America of munitions to Vladivostok.

9 "Q In 1941 and thereafter, what conversations
10 had you with leading German diplomats or soldiers
11 concerning Japan's going to war against the USSR?

12 "A About the middle of June 1941, Ribbentrop
13 told me in an unofficial conversation of the desire
14 of the German Army that Japan join in the war against
15 the USSR. I reported the matter to Foreign Minister
16 TOYODA, but received no reply. On several occasions
17 after that in unofficial conversations I was asked
18 by him whether Japan would join the war against
19 Russia. I did not fail to report these unofficial
20 inquiries to my government. Only once did Germany
21 make an official proposal to the Japanese Government
22 that it join the war against the USSR. This was
23 in July of 1942, and the Japanese Government made
24 a negative reply, the substance of which was that
25 Japan was unable to wage a war against the USSR

1 its military forces being barely sufficient for the
2 China and Pacific theaters. Germany never thereafter
3 renewed the proposal."

4 In view of the relationship created by the
5 Neutrality Pact, Japan insisted, at the time of the
6 renewal of the Anti-Comintern Pact, on the abrogation
7 of the secret agreement attached thereto, as will
8 be shown by the evidence now to be introduced. I
9 tender for identification defense document 1571, the
10 exchange of notes between the governments of Japan
11 and Germany regarding abrogation of the secret
12 agreement. It is tendered for identification only.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please,
15 this document and document 1586 which follows
16 refer to the abrogation of the secret agreement
17 attached to the Anti-Comintern Agreement by an exchange
18 of notes on 25 November 1941 between Japan and
19 Germany. In the interests of saving time, the prosecution
20 is quite willing to stipulate accordingly.
21
22
23
24
25

1 MR. BLAKENEY: Since the documents were
2 to be supported by the testimony of a witness, I
3 was requesting the prosecutor whether he would
4 stipulate to all the testimony contained in the
5 affidavit.

6 THE PRESIDENT: Would his testimony go be-
7 yond the fact of the abrogation?

8 MR. TAVENNER: It does in one paragraph
9 only, the last paragraph --

10 THE PRESIDENT: Do you contest that?

11 MR. TAVENNER (continuing): which I have
12 agreed that counsel read without calling the wit-
13 ness.

14 THE PRESIDENT: The abrogation is admitted.
15 There is no need for this document or the next,
16 and the last paragraph of the affidavit will now be
17 read.

18 MR. TAVENNER: If the Tribunal please, I
19 have not agreed to the correctness of the last
20 paragraph, merely that it be admitted.

21 MR. BLAKENEY: There are additional facts
22 contained in the affidavit of the witness that I
23 desire to prove, unless admission can be made of
24 those facts also. I do think, on the whole, it
25 would be quicker to read the documents if counsel

1 can agree to the second and third paragraphs of the
2 affidavit.

3 MR. TAVENNER: I believe we are losing
4 time rather than saving it, your Honor.

5 MR. BLAKENEY: I am afraid we are. I
6 think it will be quicker to introduce the evidence.

7 THE PRESIDENT: Pursue the quickest way.

8 MR. BLAKENEY: I will omit the document
9 already tendered, withdrawing the tender, and I
10 will call the witness NISHIMURA Kumao, whose testi-
11 mony is embodied in defense document 1586. Mr.
12 Tavenner says there is no objection to my reading
13 the affidavit without calling the witness. I
14 therefore offer it in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1586
17 will receive exhibit No. 2694.

18 (Whereupon, the document above refer-
19 red was marked defense exhibit 2694 and re-
20 ceived in evidence.)

21 MR. BLAKENEY: I shall read only the
22 following paragraphs: the second, the third, and
23 the last.

24 "I was in the office of the Chief of the
25 First Section of the Treaty Bureau from October

1 1940 to March 1942. The First Section of the Treaty
2 Bureau had charge of business concerning the rati-
3 fication and the promulgation of treaties. I was
4 accordingly concerned, as the competent chief of
5 section, with the procedure for Imperial
6 sanction and promulgation of the Protocol concern-
7 ing the extension of the validity of the Pact
8 against the Communist International of 25 Novem-
9 ber 1941.

10 "The secret agreement attached to the Pact
11 against the Communist International was abrogated
12 simultaneously with the signing of that Protocol.
13 This step was taken in accordance with the proposal
14 of the Japanese Government, and the draft which
15 was adopted of the secret official notes exchanged
16 for that purpose was also submitted by the Japanese
17 Foreign Ministry."

18 I believe I can omit the remainder of that
19 paragraph.

20 Going now to the last paragraph:

21 "It was the German Government which, in
22 October 1941, proposed the extension of the term
23 of the Pact against the Communist International.
24 Even before that, during Foreign Minister MATSUOKA's
25 visit to Berlin in March of the same year, Foreign

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1 Minister Ribbentrop had expressed his desire for
2 such prolongation, to which Mr. Matsuoka gave a
3 favorable answer. Mr. MATSUOKA so stated, as I
4 recollect, soon after his return home from Europe,
5 in the course of his explanation of the Japan-Soviet
6 Neutrality Pact to a committee of the Privy Council
7 to which that Pact was referred for ratification."

8 I now call as a witness SATO, Naotake,
9 whose testimony is contained in his affidavit.
10 defense document 1545.

11 - - -

12 N A O T A K E S A T O, called as a witness on
13 behalf of the defense, being first duly sworn,
14 testified through Japanese interpreters as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. BLAKENEY:

18 Q Mr. Witness, please state your name,
19 residence, and occupation.

20 A The name, SATO, Naotake; my address, No.
21 755 Koremasa, Aza Tamamura, Kita Katama Gun, Tokyo.
22 At present I am a member of the House of Councillors.

23 MR. BLAKENEY: I ask that the witness be
24 handed defense document 1545.
25

(Thereupon, a document was handed to

SATO

DIRECT

the witness.)

Q I ask you to examine that and state whether it is your affidavit, signed and sealed by you.

A This is an affidavit signed by me.

Q Are the contents thereof true and correct?

A Yes.

MR. BLAKENEY: The affidavit, defense document 1545, is offered in evidence.

THE PRESIDENT: General Vasiliev.

GENERAL VASILIEV: This is the first document representing a group of documents prepared by the defense concerning the circumstances and conditions of the entry of the USSR into the war against Japan on the side of the USA and Great Britain in August 1945.

I have counted for the time being thirteen documents and four affidavits: 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1535, 1464, 1537, 1627.

I consider it necessary to make objection to all the documents of this group, and I respectfully ask the Honorable Tribunal to consider this question as irrelevant to the issues involved in this case. I must state that as I do not know what the Tribunal's attitude as regards this ques-

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1 tion is, and in view of the importance of the issue,
2 I am going to make a motivated objection as brief
3 as possible, in the interests of saving time.

4 In the opening statement of the Soviet
5 prosecutor, read on October 8 of last year, it was
6 clearly stated that the Japanese Government, in
7 1945, had made an attempt to use the mediation of
8 the USSR for the conclusion of peace between
9 Japan, the USA, and Great Britain, but the Soviet
10 Government had refused to do so, and fulfilling
11 its duty of an ally of the USA and Great Britain,
12 had declared war against the Japanese aggressor
13 for the purpose of making Japan unconditionally
14 surrender and ensuring general peace (pages 7283 -
15 7284 of the transcript).

16 The Tribunal has an official document,
17 exhibit No. 64, which gives a clear and objective
18 picture of the circumstances under which this ques-
19 tion of the relations between the USSR and Japan
20 were settled. This document, together with the
21 Potsdam Declaration (Exhibit No. 2), the Instru-
22 ment of Surrender (Exhibit No. 6), and Defense
23 documents 1430 and 1624, in which decisions adopted
24 at Teheran, in the Crimea, and Potsdam are contained,
25 gives to the Tribunal an exhaustive and objective

SATO

1 picture of joint actions taken by the USSR, the USA,
2 and Great Britain against Japan as an aggressor, and
3 also a picture of the circumstances of the USSR's
4 entry into the war.

5 All the documents being now tendered by
6 the defense have the purpose of unilaterally disput-
7 ing these historic facts, of criticizing them un-
8 objectively, and of making counter-charges against
9 the Allied Powers, and the USSR in particular,
10 with regard to their actions taken against Japan as
11 an aggressor and for the purpose of ensuring general
12 peace. We submit that such method of considering
13 this matter is inadmissible, not to say that it
14 would burden the Tribunal with unnecessary matters,
15 and is a waste of valuable time.

16 Joint actions of the USSR, the USA, and
17 Great Britain against Japan in 1943 (The Teheran
18 Conference, November 1943) through 1945 were
19 measures of the suppression of the aggressor and of
20 the ensuring of general peace. I think there can't
21 be any other opinion except that the decisions
22 taken by the United Nations in Teheran, the Crimea,
23 and Potsdam and expressed in the Instrument of
24 Surrender of Japan are the supreme law for us.
25 These measures for the suppression of an aggressor

SATO

1 taken in effectuation of the said decisions, can
2 in no way justify ex post facto the actions of
3 Japan and are not subject to criticism and impeach-
4 ment. This simple contention does not need any
5 special proof. In fact, it meant, I would venture
6 to say, the return to the question of the Tribunal's
7 jurisdiction, to the questioning of its right to
8 hear this case; but now it is being done, not in
9 a direct way (this way was already repeatedly
10 denied to the defense) but in a roundabout way.
11 However, this does not make the allegation of the
12 defense more convincing, and should be rejected, as
13 was done before.

14 Therefore I ask the Tribunal to reject
15 this document and to point out to the defense that
16 the question of the joint actions of the USA, Great
17 Britain, and the USSR, including preparation for
18 these actions, which were taken for suppression of
19 Japan as an aggressor and for the establishment of
20 general peace, is irrelevant to the issues in this
21 case, and that documents dealing with this subject
22 should not be tendered.
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THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: Language section, have you my
argument for simultaneous reading?

THE MONITOR: Yes, we do. Proceed please.

MR. BLAKENEY: You have?

THE MONITOR: Yes.

MR. BLAKENEY: There are several different
matters touched upon in the document now presented,
leaving out of question the argument about documents
not yet presented, and I shall discuss these points
seriatim, submitting to the Tribunal that the evidence
on each of them is relevant to the issues.

First, Soviet assurances regarding observance
of the Neutrality Pact. The defendants, all of them,
are charged by Counts 4 and 5 of the indictment with
conspiring to wage, and by Count 17 with having between
the first of January 1928 and the 2 September 1945
planned and prepared, a war of aggression, in violation of,
inter alia, certain assurances, against the U.S.S.R.
The concept of imposing criminal responsibility for
violation of an assurance, a unilateral pronouncement,
is a novel one. We may test the validity of this pro-
posed principle of international law by seeing whether
the U.S.S.R. itself, the nation complainant, has in this
same matter treated assurances as binding on the nation

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DIRECT

1 making them. Evidence later to be adduced will show
2 that the Soviet assurances that the U.S.S.R. maintained
3 strict neutrality in the war between Japan and the United
4 States and Britain, assurances that the Soviet-Japanese
5 Neutrality Pact governed the U.S.S.R.'s attitude in
6 dealings with Japan, and assurances that after the de-
7 nunciation of the Pact the U.S.S.R. would observe it
8 according to its terms until its expiration date, were
9 then false and were all subsequently disregarded and
10 violated by the U.S.S.R.

11 Second, the question of Soviet mediation in the
12 Pacific war. The same Counts of the indictment above
13 referred to charge the defendants with planning and pre-
14 paring a war of aggression against the U.S.S.R. down
15 to 2 September 1945. That Japan had pending with the
16 U.S.S.R. from July 1945 to 9 August 1945, when hostil-
17 ities commenced, a request for mediation, or use of good
18 offices, for termination of the Pacific war, must be
19 convincing evidence that, at that time Japan entertained
20 no aggressive designs against the U.S.S.R. It is, more-
21 over, quite apparent from the diplomatic correspondence
22 relating to the mediation question later to be offered,
23 that Japan was expecting and was prepared to pay to the
24 U.S.S.R. for the services to be rendered by way of
25 acceptance of various Soviet claims in Far Eastern

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1 questions. Acceptance of Soviet claims could have
2 meant only that so far from planning aggression, Japan
3 was suppliant for peace even at great price.

4 Moreover, the defendants being charged with
5 waging a war of aggression against the United States of
6 America and others to 2 September 1945, this evidence is
7 relevant as showing that some of them, the defendants,
8 at all events were at this time attempting to put an
9 end to the waging of war. In this connection, it is
10 supposed that only those can be said to be waging a war
11 who are during the progress of the war occupying some
12 office connected with the conduct of the war and are
13 supporting its continuation; one in such an office who
14 is utilizing his office for the purpose of attempting to
15 bring the war to an end would not be waging it in this
16 sense. This evidence would have relevance if only in
17 mitigation; for it will corroborate testimony later to
18 be given, by defendants themselves, that certain of
19 them had been working for termination of the war at the
20 earliest opportunity, and that this was the earliest
21 opportunity.
22

23 Thirdly, on the Soviet declaration of war against
24 Japan. Very much was made in the presentation of the
25 prosecution's case of the point alleged that a declaration
of war was not served by Japan upon the United States and

SATO

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1 other countries in accordance with the provisions of
2 The Hague Convention III. There can be, surely, no
3 more significant answer to the question of the binding
4 character of this provision of The Hague Convention than
5 whether its mandate was or was not submitted to by one
6 of the very nations now seeking to enforce it, in its
7 commencement of hostilities against the nation whose
8 statesmen and soldiers are now on trial for the violation.
9 Surely nothing could be more relevant.

10 I leave wholly out of consideration here the
11 question, which has perhaps been sufficiently argued
12 before now, of treaties' ceasing to have validity by
13 reason of their non-observance by the members of the
14 community of nations. Quite aside from that, it must be
15 apparent that the offer by the U.S.S.R. to charge and
16 condemn Japan for an action which, as the evidence
17 tendered and to follow will show, was precisely the course
18 of conduct of the U.S.S.R. itself in analogous circum-
19 stances, but at another time, that this offer is ab-
20 horrent to every principle of equity or justice.

22 Inherent in the prosecution's case also was the
23 reasoning that the defendants were guilty of the inter-
24 national crime of launching upon war of aggression by
25 reason of having, as it was alleged, brought about wars
and attacked other nations without having just cause

SATO

DIRECT

1 other countries in accordance with the provisions of
2 The Hague Convention III. There can be, surely, no
3 more significant answer to the question of the binding
4 character of this provision of The Hague Convention than
5 whether its mandate was or was not submitted to by one
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16 condemn Japan for an action which, as the evidence
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18 of conduct of the U.S.S.R. itself in analogous circum-
19 stances, but at another time, that this offer is ab-
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22 Inherent in the prosecution's case also was the
23 reasoning that the defendants were guilty of the inter-
24 national crime of launching upon war of aggression by
25 reason of having, as it was alleged, brought about wars
and attacked other nations without having just cause

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1 therefor. If this is to be the principle of international
2 law, it must be because it is recognized and accepted as
3 such by the members of the community of nations, and
4 especially the dominant ones, those represented by the
5 prosecuting nations here. If the U.S.S.R. is to be heard
6 saying that it accepts and will enforce the principle
7 that a war undertaken without just cause is a crime of
8 the nation undertaking it and of its leaders, the de-
9 fendants must be heard rebutting that contention by the
10 proof of the conduct of the U.S.S.R. toward their own
11 nation in the same war. If the evidence shows, as it
12 will show, that the Soviet Union had not nor professed
13 to have any cause for initiating a war against Japan
14 except the request of its allies that it do so, it be-
15 comes an interesting speculation how the prosecuting
16 nations can be said to have recognized such a principle
17 of international law.

18 General Vasiliev's argument in support of
19 objections to this testimony is one to which I must say
20 the prosecution has of late seemed very prone -- while
21 apparently conceding or at any rate passing without
22 comment the question of the truth of the facts to be
23 proved, he says that this is an attempt at unilaterally
24 disputing the facts well known to the world. He says
25 that there can be no other opinion than that the acts of

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1 the U.S.S.R. and its allies, of which my own nation
2 is one, are right and correct. This has not the sound
3 of argument addressed to a Tribunal. I do not detect
4 in it argument on the question of the relevance of
5 evidence, rather, it sounds like the implication that
6 some force majeure is to exclude evidence which may be
7 relevant. I submit that the very concepts of courts
8 and judges and evidence means that whatever evidence is
9 relevant will be heard from both sides, even if one side
10 is the sovereign.

11 I, therefore, submit that as against the
12 various political declarations referred to by Mr.
13 Prosecutor, this evidence is strongly relevant to the
14 issues of this case as I have heretofore pointed out
15 and the affidavit should be admitted.

16 THE PRESIDENT: The Court will consider the
17 matter.

18 We will recess now until half past one.

19 (Whereupon, at 1150, a recess was
20 taken.)
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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at
3 1430.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.
6

7 - - -

8 N A O T A K E S A T O, called as a witness on
9 behalf of the defense, resumed the stand and
10 testified as follows:

11 THE PRESIDENT: The Court has come to its
12 decision upon the document last tendered. The
13 Tribunal thinks that evidence of Russia's entry
14 into the war is irrelevant because there is no charge
15 against any of the accused in respect of his conduct
16 following such entry, or if there is any such charge
17 there is no evidence to support it.

18 The affidavit tendered will be admitted
19 except as to paragraph 10 thereof, which will be
20 struck out in view of our decision.

21 That decision may need or require a revision
22 of other documents to be tendered.

23 CLERK OF THE COURT: Defense document 1545
24
25

SATO

DIRECT

AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1430.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

- - -

N A O T A K E S A T O, called as a witness on behalf of the defense, resumed the stand and testified as follows:

DIRECT EXAMINATION

BY MR. BLAKENEY:

THE PRESIDENT: The Court has come to its decision upon the document last tendered. The Tribunal thinks that evidence of Russia's entry into the war is irrelevant because there is no charge against any of the accused in respect of his conduct following such entry, or if there is any such charge there is no evidence to support it.

The affidavit tendered will be admitted except as to paragraph 10 thereof, which will be struck out in view of our decision.

That decision may need or require a revision of other documents to be tendered.

CLERK OF THE COURT: Defense document 1545

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will receive exhibit No. 2695.

(Whereupon, the document above referred to was marked defense exhibit No. 2695 and received in evidence.)

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DIRECT

1 MR. BLAKENEY: I read the document as ad-
2 mitted by the Tribunal, omitting the formal parts
3 thereof:

4 "1. I was Ambassador to the Soviet Union
5 from March 1942 until the outbreak of war between Japan
6 and the U S S R in August 1945, and am at present
7 President of the Foreign Ministry's Training Insti-
8 tute in Tokyo.

9 "2. In 1944, in response to the Japanese
10 request concerning the arming of fishing-craft as a
11 defensive measure, Vice-Minister Lozovsky on 3 June,
12 in saying that the Soviet Government did not wish
13 armed merchant vessels to enter Soviet ports, stated
14 that the U S S R maintained strict neutrality in the
15 war between Japan and the United States and Britian.
16 A written protest lodged by Zhukov, Director of the
17 Second Bureau of Far Eastern Affairs of the Soviet
18 Foreign Office, with KAMEYAMA, Counsellor of the Em-
19 bassy, on 27 June, concerning the arming of the
20 Kanza Maru, a Japanese tanker engaged in the trans-
21 port of oil stocked in Northern Sakhalin, contained
22 the positive statement that the Soviet Government
23 maintained such neutrality.

24 "3. On 19 July 1944, at a conversation con-
25 cerning Japanese-German and Anglo-American-Soviet re-

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1 lations, I stated that the Japanese Government was
2 determined to maintain a faithful attitude of neu-
3 trality in future as in the past, and had the expect-
4 ation of a similar attitude from the U S S R. Lozovsky
5 replied to the effect that the government of the U S S R
6 at all times took the existence of the Soviet-Japanese
7 Neutrality Pact into consideration, and acted in ac-
8 cordance with it in dealing with all problems.

9 "4. On 16 September 1944, in the course of
10 a conversation on the China question, I requesting
11 confirmation of the Soviet Union's neutrality in the
12 Sino-Japanese hostilities, Foreign Minister Molotov
13 replied that there was no change in the U S S R's re-
14 lations with Chungking. He further stated that Soviet-
15 Japanese relations were in a normal condition, and even
16 tending toward the better.

17 "5. On 17 November 1944 I said that while it
18 was assumed that the question of Siberian bases must
19 have been discussed at the Anglo-American-Soviet Moscow
20 Conference, nevertheless, it was expected that the
21 U S S R would offer confirmation that there was no
22 change in its attitude toward Japan. In reply, Molotov
23 said that the Siberian base question was by no means
24 new, having come up for discussion even before the
25 Moscow Conference, but that the policy of the Soviet

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1 Union was clear from the fact that Marshal Stalin, in
2 his address of 6 November, had made no reference to any
3 change in Soviet policy toward Japan.

4 "6. On 22 February 1945 I inquired of For-
5 eign Minister Molotov whether the Yalta Conference had
6 dealt with Far-Eastern questions, to which Molotov re-
7 plied that the result of the conference was as had been
8 published, and that the discussion was limited almost
9 wholly to European problems, with some discussion of
10 post-war questions, but that Far-Eastern questions
11 had been entirely excluded. Soviet-Japanese relations,
12 he pointed out, were a matter exclusively between the
13 U S S R and Japan, who maintained relations of neutral-
14 ity; whereas, Anglo-American-Japanese relations were a
15 matter concerning those powers exclusively, they being
16 in a state of war.

17 "7. At various times from 22 February 1945
18 I had discussions with Molotov or Lozovsky concerning
19 the Neutrality Pact, expressing the desire of the
20 Government of Japan that it be continued in force and
21 requesting a similar statement of the U S S R. On
22 5 April Molotov, receiving me, stated that he was about
23 to convey the statement of the Soviet Government on
24 the question, and read a memorandum notifying the
25 Japanese Government of the Soviet denunciation of the

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1 Neutrality Pact as of its expiration date, 25 April
2 1946, I, inquiring what attitude would be adopted by
3 the U S S R during the remaining period of the Pact,
4 Molotov replied that the intention of the Soviet
5 Government was to return, after the expiration of the
6 Pact, to the conditions prevailing before its execution;
7 that the Soviet denunciation was made in accordance
8 with the provisions of the Pact itself, but that need-
9 less to say, it was only after the expiration of the
10 full term of five years that conditions were to re-
11 vert to the status quo ante; and that the outbreak
12 of the Russo-German and Japanese-Anglo-American wars
13 after signature of the Pact had altered conditions,
14 and that the Soviet Government's reasons for abrogation
15 were clearly expressed in the prepared statement. I
16 said that the statement was received with regret, and
17 that the government of Japan hoped to have the former
18 relations continued, and the peace of the Far East re-
19 main undisturbed as before, even after the denunciation
20 of the Pact. Molotov replied that, as to conditions
21 after the denunciation, it was recognized that the
22 Pact continued in force for another year, and that the
23 attitude of the Soviet Government would be determined
24 by this condition.

25 "8. I had numerous conferences with officials
of the

SATO

DIRECT

1 Foreign Office concerning the landing of American
2 military planes in the territory of the U S S R.
3 There were three such cases before the end of 1943:
4 on 18 April 1942, one plane; on 12 August 1943, one
5 plane; and on 12 September 1943, seven planes. In
6 reply to the inquiries which I made on these occasions
7 the government of the Soviet Union replied that proper
8 measures were being taken in accordance with the pro-
9 visions of international law. In 1944 there were
10 numerous such instances; although they were not pub-
11 lished, I was informed by Molotov, Lozovsky and Zhukov,
12 that two planes had landed on 15 June, and one on 21
13 June. Inquiries were made concerning these cases and
14 others of which we had word, the reply being given by
15 Lozovsky on 29 August that in all such cases the gov-
16 ernment of the U S S R would act in accordance with
17 the provisions of international law, and would furnish
18 to the Japanese Government all information which the
19 Soviet Government might acquire in connection with such
20 cases. No information was ever given thereafter, nor
21 were replies given to inquiries concerning landings re-
22 ported to have occurred on 20 August, 18 November, and
23 other dates. On 13 December Lozovsky said, upon being
24 pressed for a reply, that the American bombers must be
25 missing, as no report had been received from the re-

SATO

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sponsible authorities.

"9. The history of my efforts to secure Soviet mediation in the Pacific war at the direction of Foreign Minister TOGO is contained in the telegrams, Defense Documents Nos. 1465, 1467, 1468 and 1469, addressed to me from the Foreign Minister, and Defense Documents Nos. 1466, 1470, 1471, 1472, 1473 and 1474, sent by me to the Foreign Minister, which I verify as respectively correct copies of telegrams received and as true relations of what occurred in connection with this matter.

"11. In passing through Manchuria in March 1942, enroute to my post in Kuibishev, I had conversations with various friends, including General UMEZU, Commander-in-Chief of the Kwantung Army, and some of his high staff-officers. I told them that it was most important that the Kwantung Army should take no action which could be construed as aggressive toward the U S S R or could give them provocation in any way. General UMEZU and others agreed with my opinion, and General UMEZU told me that all dispositions of the Kwantung Army were defensive and that from the Kwantung Army there would be no manifestations of an aggressive attitude.

"12. Prior to the Soviet declaration of war

SATO

DIRECT

1 on Japan there had been in March 1944 a settlement of
2 the Fisheries Convention question by extension of the
3 convention for five years, and simultaneously a set-
4 tlement of the troublesome Northern Sakhalin petroleum
5 concessions question by Japan's relinquishment of its
6 concession there. No protest was ever made during my
7 tenure as Ambassador against the maintenance of Japa-
8 nese forces in Manchoukuo and Korea or along the
9 Soviet border; and although border incidents were nu-
10 merous during that time, they were very minor, in-
11 volving only a few soldiers at a time, and no serious
12 disputes ever developed from them. With removal of
13 the longstanding sources of friction mentioned above,
14 relations between the two countries during my tenure
15 were good and bordering on the cordial, and no ques-
16 tion was pending in August 1945 to suggest the possi-
17 bility of an outbreak of war."

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DIRECT

1 I wish now to tender for identification
2 the telegrams identified in paragraph 9 of the
3 affidavit of this witness, being defense documents
4 enumerated as follows: No. 1465, No. 1469, No. 1466,
5 No. 1470, No. 1468, No. 1467, No. 1471, only.

6 In the interest of saving time I offer
7 these as a group.

8 THE PRESIDENT: Admitted on the usual
9 terms.

10 General Vasiliev.

11 GENERAL VASILIEV: Your Honor, I object
12 to the introduction of these documents, as to these
13 documents is applied the decision which has just
14 been taken by the Tribunal.

15 THE PRESIDENT: Well, we have not read
16 them to see whether our decision has been complied
17 with or not.

18 MR. BLAKENEY: These documents relate
19 exclusively to the question of the Japanese effort
20 to secure Soviet mediation in the Pacific War, and
21 to no other question.

22 THE PRESIDENT: They do not bear upon
23 Russia's entry into the war?

24 MR. BLAKENEY: They do not.

25 GENERAL VASILIEV: Your Honor, these

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1 documents undoubtedly bear upon the entry of Russia
2 into the war.

3 THE PRESIDENT: An individual accused may
4 have been shown to have taken part in this approach?
5 Is that so?

6 MR. BLAKENEY: That is so.

7 THE PRESIDENT: Well, apart from that, what
8 is their relevance, Major Blakeney?

9 MR. BLAKENEY: The relevance of these
10 documents is the same as that which I argued prior
11 to the noon recess; that is to say, to paraphrase
12 briefly, the section of the argument which related
13 specifically to these documents, that they are
14 relevant as the negation of an aggressive intent or
15 plans for aggression by the defendants against the
16 USSR during the period after July, 1945.

17 GENERAL VASILIEV: The accused are not
18 charged by us with the aggression, aggressive in-
19 tentions after July, 1945. I understand the decision
20 taken by the Tribunal, that the decision deals with
21 the participation of the Soviet Union in the war, not
22 in a narrow sense -- I understood the decision, not
23 in a narrow sense, as meaning immediate participation
24 in the war, but a system of measures which were
25 carried out in accordance with the decisions taken

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1 at the Teheran, Yalta, and Potsdam Conferences.
2 The questions that were raised by Japan before
3 the Soviet Union in 1945, the Soviet Union could
4 only settle on the basis of the decisions taken
5 at the Conferences of Teheran, Yalta, and Pots-
6 dam. In this light the documents which are
7 being presented undoubtedly have bearing upon the
8 entry of the USSR into the war, and should be
9 rejected in accordance with the decision of the
10 Tribunal which has just been taken.

11 MR. BLAKENEY: May I add just one word.

12 I refer, without reading them, to counts
13 3 and 4 of the Indictment, and I read count 17,
14 which charges that "all the defendants between
15 the 1st January, 1928 and the 2nd September, 1945,
16 planned and prepared a war of aggression and a war
17 in violation of international law, treaties,
18 agreements and assurances, against the Union of
19 Soviet Socialist Republics."

20 For counsel to state that no such charge
21 is made must only show that he has not read his
22 Indictment. The charge is repeated and elaborated
23 in the opening address of Minister Golunsky, where
24 he himself originally referred to this mediation
25 question. The evidence now tendered is such as to

1 show that one defendant, at all events, was not at
2 one time, between 1928 and the 2nd of September,
3 1945, planning a war of aggression against the
4 USSR. It not only proves that specific fact, but
5 it goes to disprove many of the allegations, some
6 of them supported by evidence of the Soviet
7 prosecution.

8 It seemed to me that the ruling of the
9 Tribunal on the objection which was originally made
10 as going against all these documents is quite clear,
11 and there is no occasion for repeating objection
12 on different grounds to each of these documents.

13 GENERAL VASILIEV: Your Honor, it is the
14 first time that I hear that the defense deny the
15 prosecution the right of objection to the documents
16 presented. I fully rely upon the ruling of the
17 Tribunal, but not on the opinion of the defense. Our
18 point of view as to the mediation of the USSR in the
19 war was clearly stated in Prosecutor Golunsky's
20 speech, and I am in full agreement with it.

21 THE PRESIDENT: By a majority the objection
22 is overruled, and the documents admitted on the usual
23 terms.

24 CLERK OF THE COURT: Defense document 1465
25 will receive exhibit No. 2696; defense document 1469

SATO

DIRECT

1 will be given exhibit No. 2697; defense document
2 1466 will be given exhibit No. 2698; defense docu-
3 ment 1470 will be given exhibit No. 2699; defense
4 document 1468 will receive exhibit No. 2700;
5 defense document 1467 will be given exhibit No.
6 2701; and defense document 1471 will receive
7 exhibit No. 2702.
8

9 (Whereupon, the documents above
10 referred to were marked defense exhibits
11 Nos. 2696, 2697, 2698, 2699, 2700, 2701,
12 and 2702, respectively, and received in
13 evidence.)

14 THE PRESIDENT: We will recess for ten
15 minutes.

16 (Whereupon, at 1500, a recess was
17 taken until 1510, after which the proceed-
18 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: In connection with the
5 ruling of the Tribunal delivered before the recess,
6 I should like to call attention to the following:
7 that whereas by Count 53 of the Indictment and
8 Count 55 certain named defendants are charged with
9 conspiracy to commit conventional war crimes against
10 nations, including the USSR, the period of time
11 included dates to the 2nd of September, 1945.
12 Prosecution exhibit 2164, at record page 15,491,
13 and the affidavit of the witness Romanov, prosecu-
14 tion exhibit 2165, at page 15,494 of the record,
15 relate to atrocities allegedly committed against
16 Soviet nationals, the first on the 9th and the second
17 on the 19th of August, 1945, or after the entry of
18 the Soviet Union into the war.

19 THE PRESIDENT: We spoke of the conduct
20 of the accused as a result of Russia's entry into
21 the war. The atrocities are not the result of
22 Russia's entry into the war, I take it, or the
23 alleged atrocities. You had better proceed to read
24 your documents, Major.

25 MR. BLAKENEY: Very well. I merely wish

SATO

1 to point that out in view of the Tribunal's ruling.

2 I am advised by the Clerk that through
3 inadvertence I failed to offer all the documents
4 in question. I therefore wish to add to my offer
5 defense documents 1472, 1473, and 1474, being the
6 continuation of the series of telegrams relating to
7 the same subject matter, and I ask that they be
8 admitted likewise. May they also be admitted, your
9 Honor?

10 THE PRESIDENT: Is there any objection?

11 Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1472
13 will receive exhibit No. 2703. Defense document
14 1473 will be given exhibit No. 2704. Defense docu-
15 ment 1474 will receive exhibit No. 2705.

16 (Whereupon, the documents above referred
17 to were marked, respectively, defense exhibits
18 2703, 2704, and 2705, and received in evidence.)

19 MR. BLAKENEY: I read exhibit 2696, being
20 a telegram to Ambassador SATO at Moscow from Foreign
21 Minister TOGO, dated 12 July 1945:

22 "With reference to my telegram No. 891,
23 et al.

24 "Having received no report on your inter-
25 view with Molotov, I feel like one marching out

SATO

1 troops without sufficient reconnaissance, but it is
2 considered proper to convey to the Soviet Union,
3 prior to the commencement of the Three-Power Con-
4 ference, the Imperial wish to end the war. I
5 hope that you will make explanation to the follow-
6 ing effect directly to Molotov:

7 "His Majesty the Emperor of Japan, being
8 solicitous over the increasing calamity and damage
9 of the war to the belligerent countries, desires
10 that the war should promptly be brought to an end.
11 Nevertheless, so long as Britain and the United
12 States adhere to the demand for Japan's unconditional
13 surrender in the Greater East Asia War, there is
14 no other way for Japan but to fight through the war
15 at all hazards for the honor and existence of the
16 country. It is much against our will to shed more
17 blood of belligerent nations for that reason. His
18 Majesty hopes to restore peace as soon as possible
19 for the sake of the happiness of mankind.

20 "The above Imperial wishes are rooted, not
21 only in His Majesty's benevolence to his subjects,
22 but in his hearty desire for the happiness of man-
23 kind, and he intends to dispatch Prince KONOE
24 Fumimaro as special envoy to the Soviet Union,
25 bearing his personal letter. You are directed,

SATO

1 therefore, to convey this to Molotov, and promptly
2 obtain from the Soviet Government admission into
3 that country for the special envoy and his suite.
4 (The list of members of the special envoy's suite
5 will be cabled later.) Further, though it is not
6 possible for the special envoy to reach Moscow be-
7 fore the Russian authorities leave there for the
8 Three-Power Conference, arrangements must be made
9 so that the special envoy may meet them as soon as
10 they return to Moscow. It is desired, therefore,
11 that the special envoy and his suite make the trip
12 by plane. You will request the Soviet Government to
13 send an airplane for them as far as Manchouli or
14 Tsitsihar."

15 I read exhibit 2697, a telegram of the
16 13th of July, 1945, from Foreign Minister TOGO to
17 Ambassador SATO:

18 "Reference to my telegram No. 893.

19 "It was considered proper that I should
20 receive Ambassador Malik and convey the intended
21 dispatch of the special envoy, but as Malik was ill
22 abed, I sent ANDO, Director of the Bureau of Politi-
23 cal Affairs, to convey to the Ambassador that His
24 Majesty desired to dispatch Prince KONOE as special
25 envoy, carrying with him the personal letter of His

SATO

1 Majesty stating the Imperial wish to end the war;
2 that you were to convey the matter to the Soviet
3 Government; and that the Ambassador should concurrent-
4 ly accord facilities in this connection. Ambassador
5 Malik promised to telegraph promptly about the matter
6 to his Government."

SATO

1 Exhibit 2698 is a telegram from Ambassador
2 SATO to Foreign Minister TOGO, dated the 13th of
3 July.

4 (Reading):

5 "Reference to my telegram No. 1383.

6 "Although I promptly asked Molotov for an
7 interview, he replied to the effect that, as cir-
8 cumstances would by no possibility admit of a meeting,
9 I should discuss the matter with Lozovsky. Thereupon,
10 I met Lozovsky at 5 P.M. on the 13th, and presented
11 His Majesty's wishes, contained in your telegram
12 No. 893, translated into Russian, together with my
13 confidential letter addressed to Molotov, asking
14 Lozovsky to transmit them, after perusal, to Molotov
15 without delay. The letter referred to the Imperial
16 wish to dispatch Prince KONOE, mentioned in your
17 telegram, and asked that the Soviet Government give
18 assent to the visit of the Prince and kindly afford
19 conveniences to the Japanese Government by placing
20 an aeroplane at its service.

21 "I explained, on that occasion, that the
22 special envoy Japan is now intending to send, being
23 dispatched in accordance with His Majesty's wishes,
24 is quite different in character from those projected
25 envoys in the past who were successively submitted

SATO

1 Exhibit 2698 is a telegram from Ambassador
2 SATO to Foreign Minister TOGO, dated the 13th of
3 July.

4 (Reading):

5 "Reference to my telegram No. 1383.

6 "Although I promptly asked Molotov for an
7 interview, he replied to the effect that, as cir-
8 cumstances would by no possibility admit of a meeting,
9 I should discuss the matter with Lozovsky. Thereupon,
10 I met Lozovsky at 5 P.M. on the 13th, and presented
11 His Majesty's wishes, contained in your telegram
12 No. 893, translated into Russian, together with my
13 confidential letter addressed to Molotov, asking
14 Lozovsky to transmit them, after perusal, to Molotov
15 without delay. The letter referred to the Imperial
16 wish to dispatch Prince KONOE, mentioned in your
17 telegram, and asked that the Soviet Government give
18 assent to the visit of the Prince and kindly afford
19 conveniences to the Japanese Government by placing
20 an aeroplane at its service.

21 "I explained, on that occasion, that the
22 special envoy Japan is now intending to send, being
23 dispatched in accordance with His Majesty's wishes,
24 is quite different in character from those projected
25 envoys in the past who were successively submitted

SATO

1 to Molotov, and expressed our desire that the Soviet
2 Government should fully understand this point. I
3 added that the Japanese Government, being anxious
4 to obtain the consent, in principle at least, of
5 the Soviet Government in this matter, hoped to receive
6 the reply before the departure of Molotov, and to
7 make arrangements so that the special envoy meet
8 the Soviet authorities as soon as they returned
9 from Berlin.

10 "As Lozovsky asked to whom the message of
11 the Emperor was directed, I answered that, though
12 the message was not addressed to any special person
13 for the reason that it conveyed the Imperial wishes,
14 we hoped that it would be transmitted to Kalinin,
15 the head of the Soviet Government, Stalin, Chairman
16 of the Board of People's Commissars, and Molotov.
17 Lozovsky stated that he understood the reasons why
18 the Japanese Government was in such haste and wished
19 to urge the reply of the Soviet Government in compliance
20 with Japan's desire, but that it was practically
21 impossible to make a reply prior to the departure
22 of Molotov as a part of the Russian delegation was
23 expected to leave that very evening. I thereupon
24 expressed my desire that, inasmuch as the preparations
25 had to be made for the dispatch of the special envoy

SATO

1 and his suite, the reply be given on consultation
2 with Berlin by telephone or other means if it was
3 impossible to reply before Molotov's departure.
4 Lozovsky answered me that he intended to arrange it
5 as I desired, and promised to hand to Molotov
6 immediately the documents I carried.

7 "I hasten to make report as above."

8 I now read exhibit 2699, being a telegram
9 of the 19th of July from Ambassador SATO to Foreign
10 Minister TOGO.

11 "Reference to my telegram No. 1385.

12 "In the evening of the 18th, I received
13 a confidential letter from Lozovsky which runs as
14 follows:

15 "At Moscow, 18 July 1945

16 "His Excellency, SATO Naotake, etc.

17 "Excellency:

18 "I have the honor to confirm hereby that
19 I am in receipt of your letter under date of 13 July,
20 and the message from His Majesty the Emperor of
21 Japan.

22 "I have the honor to call your attention,
23 by order of the Government of the U.S.S.R., to the
24 fact that the Imperial wish stated in the message
25 of the Emperor of Japan is general in form and contains

SATO

1 no concrete proposal. The mission of Special Envoy
2 Prince KONOE is also uncertain to the Government
3 of the U.S.S.R.

4 "The Government of the U.S.S.R., accordingly,
5 is unable to give any definite reply as to either
6 the message of the Emperor of Japan or the dispatch
7 of Special Envoy Prince KONOE mentioned in your
8 letter under date of 13 July.

9 "I avail myself of this opportunity", etc.

10 I now read exhibit No. 2700, a letter of
11 the 21st of July to Ambassador SATO from Foreign
12 Minister TOGO.

13 "With reference to your telegrams Nos.
14 1417 and 1418.

15 "The mission of Special Envoy Prince KONOE
16 consists of requesting the Soviet Government, in
17 conformity with the Imperial wishes, to use its
18 good offices to bring the war to an end; in stating
19 the concrete intention of the Japanese Government
20 thereon; and in consulting upon matters relating
21 to the establishment of cooperative relations between
22 Japan and the Soviet Union, which should be the
23 foundation of Japan's foreign policy throughout
24 the war period as well as the post-bellum period.

25 "You will convey the above to the Soviet

SATO

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1 Government and strive to obtain its consent to the
2 dispatch of the Special Envoy.

3 "It is further desired that you fully
4 understand my telegram No. 932."
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1 MR. BLAKENEY: No. 932 is exhibit No. 2701
2 from foreign minister TOGO to ambassador SATO, the 21st
3 of July 1945 which I now read. (Reading)

4 "Reference to my telegram No. 931.

5 "1) We cannot accept unconditional surrender
6 in any circumstances (your telegram No. 1476 is appre-
7 ciated). It is obvious that, if the war be protracted,
8 more blood will be shed by both sides, yet the Japanese
9 nation will rise as one man against the enemy if it per-
10 sistently demand unconditional surrender. But we intend,
11 in conformity with the Imperial wishes, to bring about
12 through the good offices of the Soviet Union a peace
13 which is not the so-called unconditional surrender, with
14 a view to averting the coming about of such a situation.
15 It is necessary to make all possible efforts to cause
16 Britain and the United States clearly to understand the
17 above-mentioned intention of Japan. We cannot, there-
18 fore, ask the Soviet Union to use its good offices with-
19 out attaching any condition; at the same time, it would
20 also be impossible as well as disadvantageous, in view
21 of the domestic situation as well as external relations,
22 to set forth concrete terms of peace immediately now.
23 In such delicate circumstances, Prince Konoe shall convey
24 to the Soviet Government the concrete intention of Japan
25 based upon the Imperial wishes, and after giving full

SATO

DIRECT

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1 consideration to the Russian demands in East Asia, he
2 shall request the Soviet Government after consultation
3 to negotiate with Britain and the United States.

4 "2) --

5 THE PRESIDENT: Mr. Blakeney, we do not appear
6 to have that. At least some of us, including myself,
7 have not a copy of what you are reading.

8 MR. BLAKENEY: I am sorry, sir, may I ask the
9 clerk whether copies are available?

10 CLERK OF THE COURT: They were mixed in with
11 another document number.

12 MR. BLAKENEY: Perhaps we can assemble enough
13 copies here if we may learn how many are missing.

14 THE PRESIDENT: Most of us are without copies
15 of them. I suppose you better proceed to read the next
16 document.

17 MR. BLAKENEY: Very well then I will postpone
18 this until tomorrow morning.

19 THE PRESIDENT: Well, read the balance of it
20 now.

21 MR. BLAKENEY: Very well. (Reading)

22 "2) Inasmuch as the present negotiations are
23 of such importance as to involve the destiny of Japan,
24 you should take all possible steps to find out the true
25 intention of the Soviet Union, seeking, for instance,

SATO

DIRECT

1 full explanation of the Russian reply transmitted in
2 your telegram No. 1417.

3 "3) You should make it clear, if necessary,
4 that this special envoy is to be dispatched expressly
5 by the benevolent wish of His Majesty, though of course
6 the Government, in assisting the Emperor, is responsi-
7 ble for the matter. You should, further, insure that
8 Prince Konoe's enjoyment of His Majesty's confidence,
9 and also his distinguished position in our political
10 circles, be impressed upon the Soviet Union.

11 "4) As regards the proposal in the reference
12 telegram No. 931, it is requested that it should not be
13 made in writing, unless absolutely necessary.

14 "5) I appreciate your opinion submitted in
15 telegram No. 1417, but, since there has been decision
16 by the highest authorities to the effect contained in
17 the reference telegram, your further efforts are re-
18 quested."

19 THE PRESIDENT: Defense documents Nos. 1467
20 and 1472 bear the same exhibit number according to the
21 documents before us, namely, exhibit No. 2701. This
22 1472 should be 2703.

23 MR. BLARENLEY: I now come to exhibit No. 2702
24 and I propose to read it, if the Tribunal please; this
25 being a telegram from ambassador SATO to foreign minister

SATO

DIRECT

1 full explanation of the Russian reply transmitted in
2 your telegram No. 1417.

3 "3) You should make it clear, if necessary,
4 that this special envoy is to be dispatched expressly
5 by the benevolent wish of His Majesty, though of course
6 the Government, in assisting the Emperor, is responsi-
7 ble for the matter. You should, further, insure that
8 Prince Konoe's enjoyment of His Majesty's confidence,
9 and also his distinguished position in our political
10 circles, be impressed upon the Soviet Union.

11 "4) As regards the proposal in the reference
12 telegram No. 931, it is requested that it should not be
13 made in writing, unless absolutely necessary.

14 "5) I appreciate your opinion submitted in
15 telegram No. 1417, but, since there has been decision
16 by the highest authorities to the effect contained in
17 the reference telegram, your further efforts are re-
18 quested."

19 THE PRESIDENT: Defense documents Nos. 1467
20 and 1472 bear the same exhibit number according to the
21 documents before us, namely, exhibit No. 2701. This
22 1472 should be 2703.

23 MR. BLAKENLEY: I now come to exhibit No. 2702
24 and I propose to read it, if the Tribunal please; this
25 being a telegram from ambassador SATO to foreign minister

SATO

DIRECT

TOGO on the 25 July 1945. (needing)

1 "Reference to my telegram No. 1441.

2 "I met Lozovsky on the 25th and made the
3 statement in my separate telegram No. 1450. Subse-
4 quently, there were questions and answers as follows:

5 "SATO: As I have just stated, the Japanese
6 Government seeks the good offices of the Soviet Govern-
7 ment in order to bring the war to an end, and intends
8 to have Prince Konoe explain the Government's concrete
9 intentions in connection therewith directly to the
10 Soviet Government. I hope that you will understand this
11 point.

12 "LOZOVSKY: May I have the text of your present
13 statement? The content of the statement is very import-
14 ant, and the written statement will be greatly conducive
15 to exact understanding of it by this Government; pre-
16 cise understanding cannot be expected from the oral
17 statement only. Moreover, if I can have it in written
18 form, it will be convenient for my reporting to my
19 government.
20

21 "There are a few questions which I should like
22 to ask. I understand that (1) the Japanese Government
23 is asking for the United States and Britain, and (2)
24 that Prince Konoe is to carry some concrete proposal in
25 this connection. But it is not clear whether the very

SATO

DIRECT

TOGO on the 25 July 1945. (needing)

1 "Reference to my telegram No. 1441.

2 "I met Lozovsky on the 25th and made the
3 statement in my separate telegram No. 1450. Subse-
4 quently, there were questions and answers as follows:

5 "SATO: As I have just stated, the Japanese
6 Government seeks the good offices of the Soviet Govern-
7 ment in order to bring the war to an end, and intends
8 to have Prince Konoe explain the Government's concrete
9 intentions in connection therewith directly to the
10 Soviet Government. I hope that you will understand this
11 point.

12 "LOZOVSKY: May I have the text of your present
13 statement? The content of the statement is very import-
14 ant, and the written statement will be greatly conducive
15 to exact understanding of it by this Government; pre-
16 cise understanding cannot be expected from the oral
17 statement only. Moreover, if I can have it in written
18 form, it will be convenient for my reporting to my
19 government.
20

21 "There are a few questions which I should like
22 to ask. I understand that (1) the Japanese Government
23 is asking for the United States and Britain, and (2)
24 that Prince Konoe is to carry some concrete proposal in
25 this connection. But it is not clear whether the very

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1 proposal is connected with the ending of war or with
2 the improvement and strengthening of Russo-Japanese
3 relations. I should like to have this point explained
4 so that I may report it to the Government.

5 "SATO: To answer the first point, the concrete
6 intention of the Japanese Government which Prince Konoe
7 is to lay before your Government is connected, as I
8 understand, with both of the problems you have just
9 mentioned. It is connected on the one hand with the re-
10 quest for the good offices of the Soviet Government, and
11 on the other with the question of the improvement and
12 strengthening of Russo-Japanese relations. In the next
13 place, though it goes beyond the limits of the instruc-
14 tions I have received, I will put what I have stated
15 today in writing for your reference and submit it to you
16 later on my own responsibility, in the light of the
17 importance of the matter which you have pointed out, and
18 in consideration of the fact that the high authorities
19 of the Soviet government are now in Berlin. But, in
20 view of the delicate nature of the question, I desire
21 that the document be kept strictly confidential until
22 the reply is given by the Soviet Government.

23 "It is believed, I should like to add, that
24 there is no mistake in considering, in the light of the
25 deep confidence of His Majesty the Emperor which Prince

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1 Konoe enjoys and the distinguished position which he
2 holds in political circles in Japan, that his mission
3 is to cover a wide scope, including asking the govern-
4 ment of the Soviet Union for its good offices and
5 exchanging views in order to facilitate solution of
6 questions between Japan and the Soviet Union and going
7 further into the future relations between the two
8 countries.

9 "LOZOVSKY: I fully understand the delicate
10 nature of the question and also that your proposal
11 should be treated strictly confidentially. The matter
12 will be reported to the Government as soon as your
13 written statement is sent to me, and the instructions
14 from the Government will be conveyed to you as soon as
15 they are received.

16 "SATO: I appreciate your kindness. I do hope
17 personally, not to mention officially, that a prompt
18 reply will be obtained.

19 "(On leaving, I added as follows:)

20 "As regards the mission of Prince Konoe, the
21 objective of the Japanese Government is to ask for the
22 good offices of the Soviet Government to bring the war
23 to a termination. Since the objective is good, I hope
24 you will kindly endeavor to persuade the Soviet Govern-
25 ment to hear this directly from Prince Konoe.

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1 "Today's conversation was as above. I made
2 repeated explanations about the mission of the special
3 envoy, and I think I have succeeded in making a consid-
4 erable impression upon Lozovsky. Especially the point
5 that the Japanese Government asked for the good offices
6 of the Soviet Government seems to have arrested Lozovsky
7 attention. He listened to me with an eager and polite
8 attitude throughout the interview, and promised to give
9 the answer of the Soviet Government."

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1 I now come to exhibit 2703, a telegram of
2 the 25th of July from Ambassador SATO to Foreign
3 Minister TOGO:

4 "Reference to my telegram No. 1449,

5 "In the interview with Lozovsky on 25 July, I
6 made the following oral statement (it was, however,
7 arranged, as reported in my telegram No. 1449, to send
8 it later in writing to Lozovsky).

9 "1. On the occasion of my interview with the
10 Acting People's Commissar for Foreign Affairs on 13
11 July, I handed to him the message of His Majesty the
12 Emperor of Japan, and conveyed simultaneously the Imperial
13 wish to dispatch Prince KONOE as Special Envoy to the
14 Soviet Union. I received, on 18 July, his written reply
15 to the effect that, as there was stated in the Imperial
16 message nothing concrete as to the mission of the special
17 envoy to be dispatched to Moscow, the Soviet Government
18 was not able to give a definite reply.

19 "2. With a view to clarifying the situation
20 in this connection, I should like to make the following
21 statement.

22 "The mission of Special Envoy Prince KONOE,
23 who is to be dispatched in accordance with the wishes
24 of His Majesty the Emperor of Japan, consists of request-
25 ing the Soviet Government to use its good offices to

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23 who is to be dispatched in accordance with the wishes
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25 ing the Soviet Government to use its good offices to

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1 bring the war to an end; in laying before that Govern-
2 ment the concrete intention of the Japanese Government
3 in connection therewith; and, at the same time, in
4 consulting with it about the improvement and strengthen-
5 ing of Russo-Japanese relations, which are to be the
6 foundation of Japan's foreign policy throughout the war
7 period as well as the post-bellum period.

8 "3. In accordance with the instruction of the
9 Japanese Government, I convey the above to the Soviet
10 Government, and reiterate that it is by reason of the
11 Imperial wish to prevent further bloodshed in the war
12 that His Majesty ordered the Japanese Government to dis-
13 patch the special envoy, and that the mission of the
14 special envoy is to set forth the concrete intention
15 of the Japanese Government in this connection and request
16 the consideration of the Soviet Government. I hope,
17 therefore, that the Soviet Government will give kindly
18 consideration to the present proposal, and will promptly
19 give assent to the dispatch of the special envoy. I
20 consider, further, that it is needless to say that ex-
21 Premier Prince KONOE enjoys the confidence of His
22 Majesty the Emperor, and holds a distinguished position
23 in Japanese political circles, a fact well known to the
24 Soviet Government."

25 I come now to exhibit No. 2704, a telegram from

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1 Ambassador. SATO to Foreign Minister TOGO of the 30th of
2 July:

3 "Reference to my telegram No. 1476,

4 "Apprehending delay in the reply of the Soviet
5 Government, I met Lozovsky at 5 p.m., 30 July, to convey
6 our desire again, and had a colloquy as follows:

7 "SATO: I have come to see you in the hope that
8 I may obtain the reply of the Soviet Government to the
9 Japanese request, made on the 25th, that the Soviet
10 Government should use its good offices to bring the
11 war to an end. Though it has been arranged that you
12 will let me know as soon as the reply is ready, I have
13 ventured to call on you as it is today already Monday.

14 "LOZOVSKY: As both Stalin, Chairman of the
15 Board of People's Commissars, and Molotov, People's
16 Commissar for Foreign Affairs, are now in Berlin, it is
17 unavoidable that it take some time before the reply is
18 made. To our great regret, the reply is not yet ready.

19 "SATO: I fully understand the circumstances.
20 However, a joint declaration was published on the 26th
21 by the United States, Britain and China, demanding the
22 unconditional surrender of Japan. Unconditional surrender
23 however, is quite out of the question for the Japanese
24 Government.

25 "I have already told you this at our meeting

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1 Ambassador. SATO to Foreign Minister TOGO of the 30th of
2 July:

3 "Reference to my telegram No. 1476,

4 "Apprehending delay in the reply of the Soviet
5 Government, I met Lozovsky at 5 p.m., 30 July, to convey
6 our desire again, and had a colloquy as follows:

7 "SATO: I have come to see you in the hope that
8 I may obtain the reply of the Soviet Government to the
9 Japanese request, made on the 25th, that the Soviet
10 Government should use its good offices to bring the
11 war to an end. Though it has been arranged that you
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13 ventured to call on you as it is today already Monday.

14 "LOZOVSKY: As both Stalin, Chairman of the
15 Board of People's Commissars, and Molotov, People's
16 Commissar for Foreign Affairs, are now in Berlin, it is
17 unavoidable that it take some time before the reply is
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20 However, a joint declaration was published on the 26th
21 by the United States, Britain and China, demanding the
22 unconditional surrender of Japan. Unconditional surrender
23 however, is quite out of the question for the Japanese
24 Government.

25 "I have already told you this at our meeting

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1 before the last (on the 13th). Nevertheless, if that
2 formula can be avoided, Japan hopes to end the war on
3 broad terms of compromise, so long as its honor and
4 existence are guaranteed. This is why Japan has asked
5 for the services of the Government of the Soviet Union.
6 I hope that Chairman of the Board of People's Commissars
7 Stalin will give careful consideration to this point.
8 It cannot be helped if I do not receive a reply today,
9 but I wish that you would kindly tell Commissar Molotov
10 that I called upon you in expectation of obtaining the
11 reply today.

12 "LOZOVSKY: I will be sure to endeavor to
13 convey your request to Molotov at the earliest possible
14 opportunity." I shall not attempt the Russian phrase.

15 "SATO: I shall be much obliged if you will
16 kindly do so. The Japanese Government is intending to
17 dispatch Prince KONOE, who enjoys His Majesty's confidence,
18 as Special Envoy to Moscow, and, as I have stated in
19 our previous interview, he is to carry on with the Soviet
20 Government discussions of wide scope as to how the Jap-
21 anese Government should establish anew the peace of the
22 Far East, and to ask for the services of your Government
23 in this connection. It is expected that the Soviet
24 Government may have various requests and directions to
25 make with regard to its services, and I understand that

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1 Prince KONOE will be invested with broad authority in
2 negotiating with the Soviet Government. It is hoped
3 that you will also convey this point to Commissar
4 Molotov.

5 "LOZOVSKY: I will comply with your request
6 without delay.

7 "SATO. What I fear is that the Three-Power
8 Joint Declaration may disturb the Soviet Government
9 in using its good offices which the Japanese Govern-
10 ment is asking for. The high authorities of the Soviet
11 Government are in Berlin now, and I expect that they
12 will give due consideration to the removal of such
13 obstacles.

14 "LOZOVSKY: I promise again that I will trans-
15 mit your requests to them."

16 And lastly exhibit 2705, a telegram from
17 Ambassador SATO to Foreign Minister TOGO dispatched on
18 the 7th of August:

19 "Reference to my telegram 1419,

20 "I asked Molotov immediately after his return
21 to Moscow for an interview, and asked Lozovsky also for
22 his good offices in the matter. Molotov informed me
23 on the 7th that he would be able to see me at 5 p.m.
24 tomorrow, the 8th."

25 You may cross-examine.

1 THE PRESIDENT: General Vasiliev.

2 GENERAL VASILIEV: Your Honor, we do not desire
3 to cross-examine the witness.

4 MR. BLAKENEY: I ask that the witness be
5 released on the usual terms.

6 THE PRESIDENT: He is released accordingly.
7 (Whereupon, the witness was excused.)
8

9 MR. BLAKENEY: The denunciation of the
10 Neutrality Pact by the U.S.S.R. is in evidence as
11 prosecution exhibit 54, read into the record at page
12 17,242. I should like to remind the Tribunal that in
13 denouncing the Pact, Molotov mentioned to Ambassador
14 SATO that since the execution of the Pact Germany had
15 attacked the U.S.S.R. and that Japan, the ally of Germany,
16 was helping the latter in her war against the U.S.S.R.
17

18 I now offer in evidence as proof of Soviet
19 violations of the Japan-U.S.S.R. Neutrality Pact and
20 Russian preparations for aggression against Japan,
21 defense document 1627, the affidavit of Major General
22 John R. Deane.

23 THE PRESIDENT: Mr. Tavenner.

24 MR. TAVENNER: If the Tribunal please, al-
25 though the affiant has not been presented as a witness,
the prosecution does not object to the introduction of

1 the affidavit on that ground.

2 Objection is made to the affidavit, in its
3 entirety, however, on the ground of relevancy and
4 materiality.

5 This document relates to an understanding
6 between the Allied Powers and the U.S.S.R. from which
7 it appears that the U.S.S.R. proposed to declare war
8 on Japan within a designated time after the surrender
9 of Germany. We submit that this evidence is covered
10 by the Tribunal's ruling that evidence relating to the
11 participation of the Soviet Union in the war is inad-
12 missible. The last paragraph, No. 5, relates to
13 entirely different subject matter which, we submit,
14 should be rejected as irrelevant and immaterial.

15 I do not desire to take up the time of the
16 Tribunal needlessly on the argument of the objection
17 first made. If the Tribunal rules favorably on its
18 previous ruling as being applicable, there would be no
19 need for me to argue the objection. But I would like
20 the privilege of arguing the objection if the first
21 position is not sustained.

22 THE PRESIDENT: Suppose we are against you on
23 the first ground. Is your second ground lengthy?

24 MR. TAVINER : Not very lengthy. Probably
25 ten minutes.

1 THE PRESIDENT: Well, put your second ground.
2 It will save time to do that.

3 MR. TAVENNER: We submit that if the war then
4 in existence, that is at the time of the conference
5 which is the subject of the testimony occurred, was
6 an aggressive war on the part of the Japanese as charged
7 in the Indictment, it can be no defense to the accused
8 that the Allied Powers sought or acquired the assistance
9 of another power or powers to resist the aggressor.
10 With particular regard to the U.S.S.R., the Tribunal's
11 attention is called to the fact that Counts 25 and 26
12 of the Indictment charge the initiation of war against
13 the U.S.S.R. in 1938 and 1939, which was years before
14 the conference in question occurred, so there can be
15 no materiality or relevancy in this evidence as to these
16 counts.

17 Count 17 of the Indictment charges planning
18 of war against the U.S.S.R. between the years 1928 and
19 1945, and the conspiracy counts cover the same period.
20 But the evidence introduced by the prosecution of
21 planning on the part of the accused is likewise prior
22 to the alleged occurrence sought to be narrated in this
23 affidavit. The prosecution has not introduced evidence
24 of planning in 1944 or 1945 to wage war against the
25 U.S.S.R.. The prosecution's evidence of planning the

1 war against the U.S.S.R. is related to periods much
2 earlier than the conferences alleged in this affidavit
3 to have taken place; wherein consider the Imperial
4 conference of July 2, 1941, when a decision was reached
5 that if conditions of the German-Soviet war progressed
6 favorably to Japan, Japan would execute arms to solve
7 the Northern problems.

8 We respectfully submit that the evidence
9 tendered, in so far as it affects the U.S.S.R., is
10 irrelevant and immaterial.

11 As to the contention by distinguished counsel
12 that the U.S.S.R. violated the neutrality pact, we
13 submit that such an inquiry on the part of the Tribunal
14 is not germane to the issues and is without the scope
15 of the Tribunal's jurisdiction. The Tribunal is not
16 called upon in these proceedings to determine the legal
17 effect of the pact in the light of alleged Japanese
18 aggression against the allies of the U.S.S.R. then
19 engaged with the U.S.S.R. in resisting Axis aggression.
20 Neither is the Tribunal, we submit, called upon to
21 weigh the factors involved in the decision by the
22 U.S.S.R. to declare war against Japan. In other words,
23 the matter of declaring war against Japan and the
24 matter of violation of this pact are related subjects
25 and it is respectfully submitted that the document

should be rejected in its entirety.

1 THE PRESIDENT: We will hear the defense
2 tomorrow morning.

3 We will adjourn until half past nine tomorrow
4 morning.

5 (Whereupon, at 1600, an adjournment
6 was taken until Thursday, 5 June 1947, at
7 0930.)
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